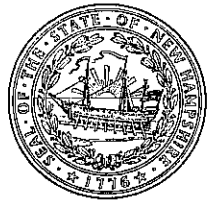




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

April 7, 2010

The Honorable Judith Spang, Chairman
Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, New Hampshire 03301

RE: SB 369 as amended relative to the expiration of large groundwater withdrawal permits

Dear Representative Spang:

Thank you for the opportunity to comment on Senate Bill 369, as amended. This bill would create a process under which a municipality could require the Department of Environmental Services (DES) to provide written findings describing the status of a large groundwater withdrawal permit issued by DES if there is a change in the status of a local building permit for the permitted site, such as if the local permit expires or becomes null and void.

If SB 369 were enacted and a municipality required written findings, DES would review the existing large groundwater withdrawal permit and make findings as to whether a change in local permits has affected the original DES permit decision. In general, we envision that this would require a relatively straightforward evaluation, possibly in conjunction with the Department of Justice if there are legal issues presented concerning the relationship between the large groundwater withdrawal permit and the local permit.

Thank you again for this opportunity to comment on this bill. Please feel free to call Sarah Pillsbury at 271-1168, or me at 271-2958, if you have any questions or need additional information.

Very truly yours,

Thomas S. Burack
Commissioner

cc: Senator Barnes
Senator Fuller Clark
Representative Case
Representative Kappler
Katherine Peters, Governor's Office